

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MOHAMMAD SOHAIL SALEEM,	:	Civil No. 3:21-cv-770
	:	
Petitioner	:	(Judge Mariani)
	:	
V.	:	
	:	
LAUREL HARRY, SUPERINTENDENT	:	
SCI-CAMP HILL, <i>et al.</i> ,	:	
	:	
Respondents	:	

MEMORANDUM

Presently before the Court is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. 1), filed by Petitioner Mohammad Sohail Saleem (“Saleem”), a state inmate confined at the State Correctional Institution, Camp Hill, Pennsylvania. Saleem seeks immediate release, a reduction of sentence, and release to a “pre-parole” program, pursuant to 18 U.S.C. § 3582(c)(1)(A). Preliminary review of the petition has been undertaken, see R. GOVERNING § 2254 CASES R.4 (directing prompt examination of the petition and dismissal if it plainly appears that the petitioner is not entitled to relief)¹, and, for the reasons set forth below, the Court will dismiss the petition for lack of jurisdiction.

¹ These rules are applicable to petitions under 28 U.S.C. § 2241 in the discretion of the Court. See R. GOVERNING § 2254 CASES R.1(b).

I. Discussion

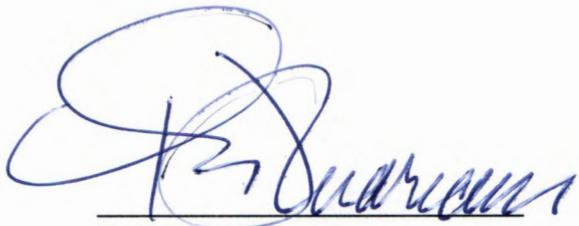
In 2014, Saleem was charged with various sexually related offenses in the Court of Common Pleas of Lebanon County. See *Commonwealth v. Saleem*, CP-38-CR-0001112-2014, CP-38-CR-0000565-2014 (Lebanon County Ct. Com. Pl.). On June 3, 2015, the state court sentenced Saleem to an aggregate prison term of twenty-one (21) months to ten (10) years. *Id.* He is in the custody of the Pennsylvania Department of Corrections.

In his present motion, Saleem seeks his immediate compassionate release from state prison under 18 U.S.C. § 3582(c)(1)(A)(i). Saleem requests the Court to allow him to serve the remainder of his sentence in home confinement because his “sentence was never intended to include a grave risk of severe illness or death from an unforeseen pandemic.” (Doc. 1, p. 2).

As amended by the First Step Act, 18 U.S.C. § 3582(c)(1)(A) authorizes courts to modify a *federal* criminal defendant’s sentence for “extraordinary and compelling reasons” after the defendant has fully exhausted all administrative rights with the Bureau of Prisons. 18 U.S.C. § 3582(c)(1)(A)(i). Saleem is a state inmate and is serving a state sentence imposed by the Lebanon County Court of Common Pleas. As such, this Court lacks jurisdiction to grant compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). See *United States v. Raia*, 954 F.3d 594, 596 (3d Cir. 2020) (“Section 3582’s text requires [compassionate release] motions to be addressed to the [federal] sentencing court. . . .”).

II. Conclusion

For the reasons set forth above, the Court will dismiss the habeas petition for lack of jurisdiction. A separate Order shall issue.

A handwritten signature in blue ink, appearing to read "R. Mariani".

Robert D. Mariani
United States District Judge

Dated: May 17, 2021